THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.276 OF 2007

Dated 15th March 2007

Between:

N.V.S.V.Ramakrishna Rao

…Petitioner

and

The Divisional Forest Officer,
Visakhapatnam & others.

…Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.276 OF 2007

O R D E R:

The petitioner states that he is the owner of Acs.65-00 of land in Sy.No.5 of Narava village. He has traced the origin of his title. It is urged that the land was part of Nrusimharayapuram Agraharam, and consequent upon abolition of the Inams (Abolition and Conversion into Ryotwari) Act, the petitioner was granted patta by the competent authority. The grievance of the petitioner is that the Divisional Forest Officer, Visakhapatnam, the

1st respondent herein, and his subordinates are interfering with his possession, by claiming that it is part of a Reserve Forest. Petitioner submits that at no point of time, the land in Sy.No.5 was part of any Reserve Forest, nor any proceedings were initiated, in relation thereto.

On behalf of the 1st respondent, a detailed counter affidavit is

filed. It is stated that to constitute an independent Forest Block for Nadava, a notification under Section 6 of the A.P. Forest
Act, 1967 (for short "the Act"), was published on 23.2.1970, and a Forest Settlement Officer was also appointed. It is stated that in the notification, dated 15.2.1968, the boundaries of the proposed Forest Block was indicated and that the petitioner never submitted any petition, or representation, in relation thereto. According to the respondents, the final notification is yet to be published, and if the petitioner had any grievance, he can put forward the same, before the Forest Settlement Officer.

The petitioner filed a reply to the counter affidavit.

Heard the learned counsel for the petitioner and learned Government Pleader for Forests.

The petitioner asserts that the land in Sy.No.5 of Narava village has never been part of any Reserve Forest, nor he was issued any notice, or proceedings, in the context of treating the said land, as part of forest. From a perusal of the counter affidavit filed on behalf of the respondents, it emerges that a notification was issued under the relevant provisions of the Act, proposing to constitute a Forest Block, covering the land in Narava village. It is not clear as to whether the land in Sy.No.5 is sought to be made part of the Reserve Forest. Though more than quarter of a century had elapsed, the final notification is yet to be issued. As of now, the respondents have not issued any proceedings, which have the effect of converting the land in Sy.No.5, into a Reserve Forest. There is, however, some dispute as to the fixation of boundaries, which in turn, may need some verification of boundaries and localization of the land. Fortunately for the petitioner,

the proceedings, in pursuance of the notification issued under Section 6 of the Act, are still pending. The rights of the parties, in the light of this notification, have to be finally decided, only through a final notification to be issued under Section 15 of the Act.

Therefore, the writ petition is disposed of, leaving it open to the petitioner, to present his claim before the Forest Settlement Officer. Till the claim is made, the *status quo* obtaining as on today, shall be maintained. There shall be no order as to costs.

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15th March 2007

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